

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD VAIDA,

Defendant.

8:04CR381

ORDER

Defendant Richard Vaida (Vaida) appeared before the court on December 23, 2011, on the Second Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 92). Vaida was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Vaida waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Vaida should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Through counsel, Vaida declined to present any evidence or request a hearing on the issue of detention. Since it is Vaida's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Vaida has failed to carry his burden and that Vaida should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:30 p.m. on January 19, 2012**. Defendant must be present in person.

2. Defendant Richard Vaida is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 27th day of December, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge